

REMARKS

Further consideration of the patentability of the claims which define the invention is respectfully requested.

The Drawings, FIGS. 3D, 3G, 3I, 3K, 3L 4C and 4F have been corrected in accordance with the Examiner's requests. No new matter has been introduced. At least two walls 16a and 16b are shown in the original FIG. 1F. Withdrawal of the objections to the drawings is therefore requested.

A new ABSTRACT is presented. No new matter has been introduced. Withdrawal of the objection to the Abstract is requested.

Claims 10, 14, 16, 19 and 20 are rejected under 35 U.S.C. 102(b) as anticipated by Dial, U.S. Patent No. 1,449,894. The Dial patent does not disclose the claimed combination of a hand held umbrella and poles which extend from distal ends of umbrella arms of the umbrella frame assembly to provide a frame structure for an enclosure formed by the umbrella roof and "soft light walls". Dial does not disclose or suggest that the frame structure of the "Collapsible Tent" is or can be "hand held". In fact Dial teaches the opposite by use of the pedestal 27. Also, Dial does not disclose "hard poles" which extend from free distal ends of umbrella arms of an umbrella frame assembly. As shown in Figs. 2 and 5, each of the frame members of Dial is interconnected, so that there are no free distal ends to which poles 29 are attached. Dial also does not disclose walls which extend from an umbrella roof to second (lower) ends of the poles. This aspect of the invention is further defined by claim 14, and is not disclosed or suggested by Dial. The staff 2 of Dial is not disclosed as "two or more interconnected telescoping sections", as defined by Applicant's claim 19. And the pedestal 27 of Dial is not disclosed as an "extension pole" as defined by Applicant's claim 20. Withdrawal of the rejections of claims 10, 14, 16, 19 and 20 is therefore respectfully requested.

Claims 21 and 22 are rejected under 35 U.S.C. 102(b) as anticipated by Kemp, U.S. Patent No. 2,059,463. The Kemp patent does not disclose the claimed combination of a tent structure and a hand held umbrella, wherein a frame assembly of the hand held umbrella has umbrella arms with the free distal ends to which the "soft pulls" are attached. In Kemp, the compression members 58, from which the ropes 66 extend, do not extend from a distal end of a hand held lever from which umbrella arms extend, as defined by claim 21: "umbrella arms which extend outwardly radially and downward from a distal end of the hand held lever...". The center

post 25 of Kemp is obviously not configured to be "hand held". Concerning claim 22, although Kemp discloses the compression members 58 at ninety degrees, they do not extend from free distal ends of umbrella arms which extend from a distal end of a hand held lever, as defined by main claim 21. Withdrawal of this rejection is therefore respectfully requested.

Claims 13, 17 and 18 are rejected under 35 U.S.C. 103(a) as unpatentable over Dial. Claims 13, 17 and 18 each depend from claim 10, which as explained is not anticipated or suggested by Dial. Dial discloses at lines 104-107 that "walls may be connected with the lower margins of the canopy 28", but does not disclose attachment of such walls to the "free distal ends of the umbrella arms" as defined by claim 13. Dial also does not disclose or suggest the shape or configuration of such walls, claims 17 and 18, which in Applicant's invention is dictated by the frame structure, so that they are not just a matter of design choice. Withdrawal of this rejection is therefore respectfully requested.

Claim 15 is rejected under 35 U.S.C. 103(a) as unpatentable over Dial and Forget, U.S. Patent No. 4,033,366. Claim 15 defines the hand held lever of the hand held umbrella to be detachable from the umbrella frame assembly. Neither Dial or Forget disclose structures which include a hand held umbrella which includes a hand held lever and a frame assembly. Also, neither Dial or Forget disclose or suggest each of the features of main claim 10. Therefore, the detachment of post 12 in Forget does not make obvious the structure defined by claims 15 and 10. Even if for the sake of argument the ribs 28 of Forget are interpreted as the claimed "umbrella arms", there are no "hard poles" which extend from free terminal ends of the umbrella arms, in either Forge or Dial. Withdrawal of this rejection is therefore respectfully requested.

Claim 19 is rejected under 35 U.S.C. 103(a) as unpatentable over Dial in view of Uhl, U.S. Patent No. 4,971,090. Uhl also does not disclose, in combination with Dial, each of the structural features of claims 10 and 19, such as the hard poles connected to free distal ends of the umbrella arms. Therefore, the disclosure of Uhl of telescoping central shaft 6a does not make obvious the entirety of the invention as claimed. Withdrawal of this rejection is therefore requested.

Please contact the undersigned if any other fees are due in connection with this application.

Respectfully submitted,

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Date



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